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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,544	02/09/2002	Erland Wittkotter		9884

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EXAMINER	
ZAND, KAMBIZ	
ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/071,544	WITTKOTTER, ERLAND	
	Examiner	Art Unit	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35,U.S.Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claim 1 has been amended.
4. Claims 1-17 are pending.
5. Examiner withdraws rejection of claims under 35 U.S.C 112-second paragraphs due to correction by the applicant.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

- In response to applicant's arguments, examiner makes the following remarks:

a) Applicant's arguments should be directed to each rejection especially the independent claims, by describing the differences between the claim language in the light of the specification and the reference used against the claims.

b) Describing the invention in broad terms, or the reference and disclosing the distinctions that are not part of the claim language would not be given patentable weight. Such distinctions should be disclosed in the claim language in clear manner.

c) Claims as it is written with so many use of the phrase "or" have broaden the claims that many references of the prior art may read on it.

Claim Rejections - 35 USC § 102

7. **Claims 1-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo et al (6,446,050 B1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant is advised that the use of the phrase "or" in the claim language broaden the claims in a manner that examiner only would examine one of the options connected by the phrase "or" to one another. For example the phrase

"or

via an assignment of a predetermined program files or a command components to the function unit or to the decryption unit or

via a plurality of instructions that generate the functions unit or to the decryption unit" or **similar limitations within the claims 1-17 has not been examined, although the reference may teach those limitations too.**

As per claim 1 Kondo et al (6,446,050 B1) teach an apparatus for decrypting of an encrypted electronic document **(see fig.13-17 and associated texts)** by means of a key data file **(see fig.5a-b and associated texts that disclose public/private key pair file)** that is received **(see fig.1-2 and 13-17 and associated texts)** or delivered from a server over a public data transmission network, preferably the Internet **(see fig.1, item 22)**,

whereby the decrypted electronic document is displayable on a local data processing appliances **(see fig.1-4 and 21 and associated texts that disclose displaying entity for documents)** and a decryption unit that is used for combining or joining or decrypting the encrypted document **(see col.2, lines 59-61)** and the key data file for generating the decrypted document **(see col.2, lines 59-61; col.3, lines 31-47; col.7, lines 43-57 which disclose the decryption key file used for generating the decrypted documents)**, characterized in that the decryption unit comprise a function unit that is technically changeable by means of a program **(see col.7, lines 57-67; col.8, lines 1-6)**, whereby the function unit is capable to be configurable in an operation state:

by selecting of a key data file from a plurality of local or server sided available key data files **(see col.8, lines 1-17)** or

by the combination or integration of necessary operations of the decryption unit used for the creation of the decrypted document or

by the accessing of a predetermined server sided address that provided the key data file,

whereby a decryption operation of the decryption unit is determined in a manner, that only with a predetermined configuration of the function unit is combining or joining or decrypting the encrypted electronic document and the key data file for generating the correct decrypted document **(see col.7, lines 43-67; col.8, lines 1-34 disclose "whereby a decryption operation of the decryption unit is decrypting the encrypted electronic document and the key data file for generating the correct decrypted document")** determined in a manner, that only with a predetermined configuration of the function unit is, whereby the predetermined configuration of the function unit is established with at least one single online-contact of the local data processing appliance with the server **(see fig.1 and associated texts, items 22, 5-6, workers a-c in addition to col.7, lines 43-67; col.8, lines 1-34)** and whereby the predetermined configuration of the function unit is created

via a parameter setting specifically adapted to the function unit or to the decryption unit **(see col.7-8 disclose predetermined configuration of public/private key based on registering a worker based on an ID as an example)** or

via an assignment of a predetermined program files or a command components to the function unit or to the decryption unit or

via a plurality of instructions that generate the functions unit or to the decryption unit.

Also see the fig.3, 4, 9 and associated texts for more detail.

As per claim 2 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the visualization or representation unit is realized as browser **(see fig.9 and associated text disclosing browser)** and the decryption unit is used by a plug-in in the browser, or the decryption unit is integrated in the browser, or the decryption unit is arranged as an approachable local server unit on the local data processing appliance, or a function unit on the local data processing unit is connected for instance called over a Intranet-connection belongs to the decryption appliance of the remote data processing unit.

As per claim 3 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the function unit is realized as a program library of the decryption unit or a visualization or representation unit, as executable file or as command line or element of the decryption unit on an operation system platform of the local data processing appliances that is preferably managed or realized by a programming or script language and in particular by means of a digital signature, that is formed on the function unit and that is capable to recognize that an execution operation of the decryption unit, is correct, not manipulated or properly known and thereby capable to be evaluated in a result influenced manner **(see the entire reference for different examples associated with at least one of the above limitation such as programming, decryption unit and program function unit as disclosed in col.7-8)**.

As per claim 4 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the encrypted electronic document is realized by means of a encryption procedure, in which the encrypted document and the key data file are generated from the decrypted document that correspond to original amount of data, which comprise a sequence of information component of a meta language in form of a written language, a number system or information components from a predetermined uniform format structure of arranged or ordered data elements, in particular image, sound or program information, that data elements are stored in a plurality of electronic addressable storage areas and that the encrypted document is generated by following operations: Exchanging or removing of an information component in the amount of data or attaching of an information component at a predetermined position in the sequence of information components or replacing of an information components against a preferred information component that is not contained in the original amount of data not contained, whereby the key data file comprise specific information about the exchanged, removed, inserted, attached or interchanged information component and is thereby arranged in manner that a reconstruction of the original amount of data is permitted **(see fig.1-18 and associated text)**.

As per claim 5 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 4, characterized in that the decryption unit is realized as a reconstruction unit, so

that the processing of the encrypted amount of data and the key data file is arranged for generating of the decrypted document **(see fig.3-4 and associated text; and previous examiner reasons)**.

As per claim 6 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 4, characterized in that each encrypted document is assigned to a plurality of usable key data files by the decryption unit, whereby at least one is usable to generate the decrypted electronic document, and at least one is usable to generate a document that is for a user seemingly correct, however which is not arranged or designed as the correct decrypted document that is corresponding to the electronic document.

As per claim 7 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that for generating of the decrypted document a plurality of key data file is necessary **(see fig.3, item 451 and associated text)**.

As per claim 8 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the necessary operation procedure that is used for the combination or integration for the generation or creation of the decrypted document comprise the selecting of a key data file from a plurality of key data files or comprise the producing of a sequence of successive decryption steps or comprise the needed key data files used for the combination or integration **(see fig.3, item 451 and associated text).**

As per claim 10 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the predetermined configuration is dependent from the local data processing appliance and in particular specifically designed or arranged for the appliance **(see fig.1-3 and associated text; col.7-8)**.

As per claim 11 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the decryption unit is designed or arranged in an manner that a repeated or new decryption of the encrypted document occurs by means of a configuration of the function unit, which differ from the configuration of a foregoing decryption process and in particular is influenced by operation or status data of the foregoing decryption process **(see fig.8 and associated text)**.

As per claim 12 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the decryption unit is assigned to a plurality of function units, whereby the decryption unit comprise the configuration, the selecting of one of the function units and its assigning to a decryption operation **(see fig.8 and associated text)**.

As per claim 13 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 12, characterized in that the corresponding function unit from the plurality of function units is different with regard to its effect on the decryption operation of the

encryption unit and which are preferably realized as binary files modules **(see col.2-8 and associated texts)**.

As per claim 14 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the key data file is realized as an executable program, which is acting as a function unit of the decryption unit, whereby in particular information for generation of the decrypted document arises from interactions between components, internal variables or other program parameters of the executable program and are acting on the encrypted document **(see fig.8, items 710 and 712 and associated text)**.

As per claim 15 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that the electronic document is selected from the group, which consist of audio, music, video, program, multimedia, animations, 3D, text, image or game files **(see figures 1-18 and associated text)**.

As per claim 16 Kondo et al (6,446,050 B1) teach the apparatus as set forth in claim 1, characterized in that server sided of a server unit comprise a proxy unit that is installed in front of the server unit, which is approachable or callable by function of the function unit and which execute an identification or authentification process of the called local data processing appliance, in particular for comparing document related usage right of the user on the local data processing appliance with the server

sided introducible or deliverable key data files **(see fig.1 and associated text)**.

As per claim 17 Kondo et al (6,446,050 B1) teach a method for decrypting of an encrypted electronic document by means of a key data file that is introduced or delivered from a server over a public data transmission network, preferably the Internet, in particular method for operating the apparatus as set forth in claim 1, whereby the decrypted electronic document is displayable on a local data processing appliances, which comprise a visualization unit or representation unit that enables an outputting of the unencrypted electronic document and which comprise a decryption unit that is used for combining or joining the encrypted document and the key data file for the generating of the decrypted document, with the steps: transmitting of the key data file partly or completely over the data transmission network, transmitting of at least one predetermined function unit of the decryption unit as file, command components or script over the data transmission network to the local data processing appliance, activating of the decryption unit, decrypting of the encrypted document by electronic processing of a data stream that is corresponding to the key data file or to the encrypted document by means of the predetermined function unit and displaying of the decrypted document by means of the visualization or representation unit **(see fig.2-5, 9, 14, 17 and associated text and as applied to claim 1 above)**.

Claim Rejections - 35 USC § 103

8. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al (6,446, 050 B1) in view of Yasukawa (5,999,622).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

As per claim 9, please see the previous examiner rejection of claim 9 rendered on 09/08/2005.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 273-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAMBIZ ZAND
PRIMARY EXAMINER

10/03/2006

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